

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARY HARRIS

v.

LAWRENCE HOGAN, ET AL.

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Civil No. – JFM-13-2579

MEMORANDUM

Plaintiff has brought this action under the Rehabilitation Act. Discovery has been completed, and defendants have moved for summary judgment. The motion will be granted.

The Rehabilitation Act does not itself contain a limitations provision. At the most an action must be brought within three years of the date on which the claim arose. *See Jeandron v. Bd. of Regents of Univ. Sys. of Maryland*, 510 F. App'x 223, 226 (4th Cir. 2013). Undisputedly, this action was brought more than three years after plaintiff's claim arose. Plaintiff argues, however, that the doctrine of equitable tolling applies because extraordinary circumstances beyond her control prevented her from filing her lawsuit on time.

On a motion to dismiss or for summary judgment, this court previously ruled that equitable tolling might apply. This case was then assigned to Judge William Quarles (who has now resigned) and, frankly, I do not agree with the decision. In any event, discovery had not been conducted at the time that Judge Quarles made his decision, and the factual record now establishes that plaintiff had consulted with counsel prior to limitations having expired. Moreover, a plaintiff's status as a *pro se* litigant is not one of those "rare instances" where, according to Fourth Circuit law, "it would be unconscionable to enforce the limitation period

against the party and gross injustice would result.” *Rouse v. Lee*, 339 F.3d 238, 246 (4th Cir. 2003).

I also note that plaintiff apparently is somewhat knowledgeable about the law since the reason she has asserted a claim under the Rehabilitation Act is that the Act provides somewhat greater remedies than does the EEOC process in which she participated.

A separate order granting defendants’ motion for summary judgment is being entered herewith.

Date: February 29, 2016

/s/
J. Frederick Motz
United States District Judge